

JG:JSR

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M 11-233**

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UNITED STATES OF AMERICA

- against -

JESUS HERNANDEZ-SANCHEZ,  
also know as  
"Virginio Hernandez,"

C O M P L A I N T

(T. 8, U.S.C.,  
§§ 1326(a) and  
1326(b)(2))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MATHEW LEW, being duly sworn, deposes and states that he is a Deportation Officer with Immigration and Customs Enforcement, duly appointed according to law and acting as such.

On or about February 14, 2011, within the Eastern District of New York, the defendant JESUS HERNANDEZ-SANCHEZ, also known as "Virginio Hernandez," an alien who had previously been deported from the United States after a conviction for an aggravated felony, was found in the United States without the Secretary of the United States Department of Homeland Security having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Sections 1326(a) and 1326(b)(2)).

The source of your deponent's information and the grounds for her belief are as follows:<sup>1/</sup>

1. I am a Deportation Officer of Immigration and Customs Enforcement ("ICE") and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On February 14, 2011, the defendant JESUS HERNANDEZ-SANCHEZ, also known as "Virginio Hernandez," was arrested by the New York City Police Department, 120th Precinct, Staten Island, New York for Criminal Mischief in violation of New York Penal Law § 145.00(1). The defendant was arrested under the name "Virginio Hernandez."

3. The New York City Police Department ran a criminal history report after the February 14, 2011 arrest and found that the defendant had been previously convicted of Robbery in the Third Degree in violation of § 160.05 of the New York Penal Law, an aggravated felony, on March 8, 2002.

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<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

4. The defendant was deported from the United States to Mexico on July 30, 2002.

5. The NYPD notified ICE that the defendant JESUS HERNANDEZ-SANCHEZ, also known as "Virginio Hernandez," had been arrested and ICE subsequently took HERNANDEZ-SANCHEZ into administrative custody.

6. ICE compared the fingerprints from the defendant's February 14, 2011 arrest, the fingerprints associated with the March 8, 2002 conviction, and the July 30, 2002 deportation and determined they were all made by the same individual.

7. A preliminary search of the files of ICE has revealed that there exists no request by the defendant for permission from the Secretary of the United States Department of Homeland Security, successor to the Attorney General, to reapply for admission.

WHEREFORE, your deponent respectfully requests that the defendant JESUS HERNANDEZ-SANCHEZ, also known as "Virginio Hernandez," be dealt with according to law.



Matthew Lew  
Deportation Officer  
Immigration and Customs Enforcement

Sworn to before me this  
3rd day of March, 2011

HONORABLE JOAN M. AZRACK  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK